

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 28 2018

APPEAL FROM HORRY COUNTY
Court of Common Pleas

SC Court of Appeals

Honorable Benjamin H. Culbertson, Circuit Court Judge

Civil Action No.: 2016-CP-26-02377

In Re: Venture Engineering, agent for DT LLCRespondent

vs.

Horry County Zoning Board of AppealsAppellant

NOTICE OF APPEAL

Appellant Horry County Zoning Board of Appeals appeals the Order of the Honorable Benjamin H. Culbertson, dated April 5, 2018, copy attached hereto as Exhibit A. Appellant received notice of this Order in this consolidated action on April 6, 2018. Appellant subsequently filed a Notice of Motion and Motion to Reconsider. Appellant Horry County Zoning Board of Appeals appeals the Order Denying the Motion to Reconsider which was denied on May 31, 2018, by a Form 4 Judgment, attached as Exhibit B; and followed by an Order filed June 12, 2018, Denying the Motion to Reconsider, attached as Exhibit C.

Appellant Horry County Zoning Board of Appeals also appeals the Order Granting Appellant's Motion for Costs granted in the Form 4 Judgment filed May 31, 2018, referenced above and attached hereto as Exhibit B, and in a subsequent Order Granting Appellant's Motion for Costs filed June 13, 2018, attached hereto as Exhibit D.

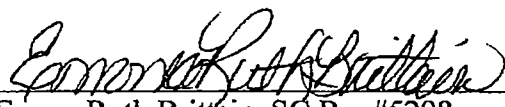
Appellant Horry County Zoning Board of Appeals further appeals the following interlocutory intermediate orders issued in this action:

- (1) Order Denying Respondent's Motion to Strike filed October 13, 2016, in the case *Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning Board of Appeals*, Civil Action No.: 2015-CP-26-3791; attached hereto as Exhibit E;
- (2) Order Denying Respondent's Motion to Strike filed October 17, 2016, in the case *In re: Venture Engineering, agent for DT, LLC v. Horry County Zoning Board of Appeals*, Civil Action No.: 2016-CP-26-2377, attached hereto as Exhibit F; and
- (3) Order to Consolidate Actions filed October 13, 2016, attached hereto as Exhibit G.

Respectfully submitted,

June 28, 2018

Other Counsel of Record:
Robert S. Shelton, SC Bar #68543
The Bellamy Law Firm
P.O. Box 357
Myrtle Beach, South Carolina 29578
E-mail: RShelton@bellamylaw.com
Attorney for the Respondent


Emma Ruth Brittain, SC Bar #5298
Matthew R. Magee, SC Bar #15896
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Attorneys for the Appellant

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Civil Action No.: 2016-CP-26-02377

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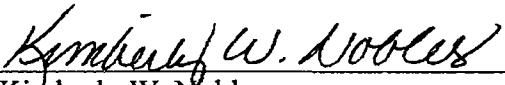
vs.

Horry County Zoning Board of AppealsAppellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal and attached Exhibits in the above-referenced consolidated action on Respondent Venture Engineering, agent for DT LLC and Respondent Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC, by depositing a copy of it in the United States mail, postage prepaid, on June 27, 2018, addressed to their attorney of record Robert S. Shelton, Esquire, The Bellamy Law Firm, 1000 29th Avenue North, Myrtle Beach, South Carolina, 29577. Please note that Wesley Covington, Esquire, an attorney of record for Horry County, is no longer employed as a staff attorney with the Horry County Attorney's Office, and is no longer involved in this case. However, a courtesy copy is being provided to Mr. Covington at 41 Gasparilla Circle, Murrells Inlet, South Carolina, 29576. A copy of the Notice of Appeal is being electronically filed with the Horry County Clerk of Court.

June 28, 2018



Kimberly W. Nobles
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Mailing Address:
Post Office Box 1290
Myrtle Beach, SC 29578

June 28, 2018

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SC Court of Appeals

Via U.S. Mail and Fax TransmissionThe Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning Board of Appeals
and
In Re: Venture Engineering, agent for DT LLC vs. Horry County Zoning Board of Appeals
Civil Action No.: 2016-CP-26-02377

Dear Ms. Kitchings:

Our firm represents the Horry County Zoning Board of Appeals in the above-referenced consolidated action. Please find enclosed for filing the Notice of Appeal in this case. Also enclosed are the following:

1. Proof of service of the Notice of Appeal;
2. A copy of the Order of Judge Culbertson filed April 6, 2018, attached as Exhibit A to the Notice of Appeal;
3. A copy of the Form 4 Judgment attached as Exhibit B to the Notice of Appeal;
4. A copy of the Order Denying Respondent's Motion to Reconsider attached as Exhibit C to the Notice of Appeal;
5. A copy of the Order Granting Appellant's Motion for Costs attached as Exhibit D to the Notice of Appeal;
6. A copy of the interlocutory Order Denying Respondent's Motion to Strike filed in *Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning Board of Appeals*, Civil Action No.: 2015-CP-26-3791 attached as Exhibit E to the Notice of Appeal;
7. A copy of the interlocutory Order Denying Respondent's Motion to Strike filed in *In re: Venture Engineering, agent for DT, LLC v. Horry County Zoning Board of Appeals*, Civil Action No.: 2016-CP-26-2377 attached as Exhibit F to the Notice of Appeal;

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
June 28, 2018
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8. A copy of the interlocutory Order to Consolidate Actions attached as Exhibit G to the Notice of Appeal; and
9. A filing fee in the amount of \$100.00.

Other counsel of record in this case is Robert S. Shelton, Esquire, attorney for Venture Engineering, agent for DT, LLC, and for Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC. Please note that Wesley Covington, Esquire, listed in the Public Index as an attorney of record for Horry County, is no longer employed with the Horry County Attorney's Office, and is no longer involved in this case.

Please return a clocked copy of the Notice of Appeal to our office in the enclosed self-addressed stamped envelope. Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn

Enclosures

cc: Robert S. Shelton, Esquire
Renee Elvis, Horry County Clerk of Court
Arrigo P. Carotti, Esquire, Horry County Attorney

Thomas & Brittain, P.A.

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843/ 692-2628 (Phone)
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SC Court of Appeals

Fax Cover Sheet

From the Office of Emma Ruth Brittain, Esquire

DATE: June 28, 2018

TO: Honorable Jenny Abbott Kitchings
Clerk for the S.C. Court of Appeals

FAX: (803) 734-1839

RE: In Re: Venture Engineering, agent for DT LLC v. Horry County Zoning Board of Appeals

Pages: 61 (including cover sheet)

MESSAGE:

Attached please find the Appellant Horry County Zoning Board of Appeals' Notice of Appeal and Exhibits and Proof of Service. The original documents and the filing fee are being placed in the mail to you today.

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.